BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

PRESENT:

THE HONOURABLE MR.JUSTICE P.K.SHAMSUDDIN
(RETD. JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR.JUSTICE T.V.RAMAKRISHNAN
(RETD. JUSTICE, HIGH COURT OF KERALA)

WP(C).No. 25685 of 2005(G)

PETITIONER:

MALABAR REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD., PERINGALAM,
KUNNAMANGALAM P.O. KOZHIKODE REPRESENTED
BY ITS MANAGING DIRECTOR.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS:
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1. M.SULAIMAN, S/O.MOIDEENKUTTY,
NAZEEM MANZIL, HOUSE NO. 36/794, NEW BRIDGE,
OLAVAKKODE, PALAKKAD.

2. KERALA CO-OPERATIVE TRIBUNAL,
TRIVANDRUM.

BY ADV. SRI.C.K.ABDUL RAHIM (FOR R1)
SRI. K.A.JALEEL (FOR R2)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH ALONG WITH THE OP NO.29396 OF 2001 AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF AWARD DATED 29.3.1985.

EXT. P2: COPY OF ORDER DATED 14.3.2005 IN R.P.222/00.

/TRUE COPY/

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P.K.SHAMSUDDIN (RETD. JUDGE) &
T.V.RAMAKRISHNAN (RETD. JUDGE)

W.P.(C) No. 25685 OF 2005 & O.P. No.29396 OF 2001

Dated this the 23rd day of November, 2006

A W A R D

P.K.SHAMSUDDIN (Rtd. Judge)

Heard the petitioner in OP No. 29396/01 who is the first respondent in WP (C)No.25685/05 and the petitioner's counsel in WP(C) No.25685/05 and also the counsel for the petitioner in OP No.29396/01 who is the 1st respondent in WP(C) No.25685/05.

2. OP No. 29396/01 was filed seeking a direction to the second respondent who is the Registrar of Diary Co-operative Societies, Pattam, Thiruvananthapuram to take appropriate action to restrain the violation of Ext.P4 award by the 3rd respondent and also to direct the 3rd respondent to restrain from allotting the stall at the Shornur Railway station to anybody else and also to issue a writ of mandamus directing the 3rd respondent to comply with Ext.P4 award and not to allot stall at Shornur Railway station to anybody other than the petitioner. WP(C) No. 25685/05 was filed by the 3rd respondent in OP No.29396/01 challenging the award Ext.P1 and P2 and seeking to pass appropriate awards.

3. It is now agreed by the parties to settle the matter on the following terms:

(i) The third respondent in OP No.29396/01 who is the petitioner in WP (C) No.25685/2005 shall allot the Milma Milk stall at Shornur railway station to the petitioner under the normal terms and conditions.

(ii) The third respondent in OP No.29396/01 who is the petitioner in WP (C) No.25685/05 will withdraw WP(C) No.25685/05 as per the terms of this agreement.

(iii) The petitioner in OP No.29396/01 shall pay to the petitioner in WP(C) No.25685/05 a total sum of Rs.1,14,187.50/- (Rupees One lakh fourteen thousand one hundred and eighty seven and fifty paise only) on or before 28.2.2007 under the following heads:

a.	Annual Licence fee paid to the Railway @ Rs.10,000.00 per year for three years from 1999 to 2001	30,000.00
b.	Security Deposit paid to the Railway	750.00
c.	Centage charges paid to the Railway	500.00
d.	Electrical service connection charges and security paid to the Railway.	4,203.00
e.	Stall construction charges paid/payable to M/s Mudra Designers	78,734.51
	Total	1,14,187.51

The petitioner in OP No.29396/01 will pay the required security deposit and licence fee fixed by the Railway authority/Indian Railway Catering Tourism Corporation and fulfil all formalities with them and he will also pay any future and past claims from the part of the Railway or any other

authorities with respect to the milk stall. He will operate the milk stall vigilantly and effectively abiding by the terms and conditions laid down by the petitioner in WP(C) No.25625/05 namely the Malabar Regional Co-operative Milk Producers Union Limited for allotment/operation of the stall and regulations of the Railway authorities.

(iv) The petitioner in OP No.29396/01 can sell at the stall the following items.

a. All Diary Products Manufactured by Milma-MRCMPU Ltd.

b. Snacks, Bread & Bun as Approved by the Railway Authority & MRCMPU Ltd.

c. Mineral Water Produced by Milma. In case of non availabililty of Milma Mineral water, other Mineral Water may be sold, subject to the approval of Railway Authority & MRCMPU Ltd.

d. Hot Milk, Hot Milk with Horlicks, Boost/Bornvita and Tea & Coffee Prepared out of Milma Milk with subject to the Approval of Railway Authority.

f. No Items may be sold, for which, Milma Have Similar Product.

4. It was also further agreed that once the milk stall is allotted to the petitioner in OP No.29396/01 he will not raise any further claims against the Malabar Regional Co-operative Producers Limited, the petitioner in WP(C) No.25685/05 regarding any of the issues dealt with in the litigation shown in the references above.

5. The petitioner in OP No.29396/01 agreed to withdraw the said writ petition which was filed by him against the petitioner in WP(C) No. 25685/05.

The above writ petitions are disposed of in terms of the above settlement.

P.K.SHAMSUDDIN
(RETD. JUDGE)

T.V.RAMAKRISHNAN
(RETD. JUDGE)

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